

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #11	CCRB Case #: 202004900	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 8:45 PM	Location of Incident: Unknown	Precinct: 90	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/16/2020 10:00 AM	CV Reported At: CCRB	How CV Reported: Social Media	Date/Time Received at CCRB Tue, 06/16/2020 10:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Celena Harris	13206	921627	090 PCT
2. POF Amanda Mckay	20120	962601	090 PCT
3. POF Melissa Abrahams	19595	958212	090 PCT
4. SGT Curlene Clarkemiller	01913	929904	090 PCT
5. LT John Balestriere	00000	939897	088 PCT
6. LT Adam Dumelle	00000	948001	077 PCT
7. SGT Rasheda Edness	02625	924810	PB CAD
8. CCA Jeffrey Maddrey	00000	899501	C A B

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B. An officer	Force: An officer used physical force against § 87(2)(b)	
C. Officers	Discourtesy: Officers spoke discourteously to individuals.	

Case Summary

On June 16, 2020, § 87(2)(b) filed this complaint with the CCRB while giving a statement about CCRB case 202003981.

On June 4, 2020, between 8:45 p.m. and 9:00 p.m., § 87(2)(b) was at a protest at McCarren Park in Brooklyn. At the end of the protest, she walked south to Williamsburg. At an unknown location, a Black female officer pushed § 87(2)(b) (**Allegation A: Force:** § 87(2)(g)). A white male officer also pushed a male individual on a bicycle (**Allegation B: Force:** § 87(2)(g)) and told the protestors to “get the fuck out of” the area (**Allegation C: Discourtesy:** § 87(2)(g)).

The investigation could not find any video footage related to this incident (Board Review 01).

Findings and Recommendations

Allegation (A) Force: An officer used physical force against § 87(2)(b).

Allegation (B) Force: An officer used physical force against § 87(2)(b).

Allegation (C) Discourtesy: Officers spoke discourteously to individuals.

Facts

After the protest in McCarren Park, § 87(2)(b) followed the group of protestors down Lorimer Street, to Kent Street, and “near the water.” She reached a blockade of about 350 officers, after which there was a “standoff,” which she did not see become physical. As the protestors were turning to leave, officers started running at them. § 87(2)(b) turned on Lorimer Street towards South Williamsburg. A 6’4” tall Black female officer with a strong build stepped out of the line of officer and pushed § 87(2)(b) in the chest. She may have been near “Berry Street” at the time but could not identify any landmarks; she saw only three-story buildings. Officers § 87(2)(b) could not describe were telling protestors to “get the fuck” out of the area. Near § 87(2)(b) was a 6’2” tall white male individual with hair past chin length holding a thin road bike. He tried to get the bike between two cars when a white male officer in a white shirt and a closely-cropped beard pushed him in the shoulders rhythmically with a baton held horizontally (Board Review 02 and Board Review 03).

BWC

As there was no exact incident or specific officers identified from this incident, per NYPD Legal, a comprehensive search for BWC could not be conducted (Board Review 01).

NYPD Documents Reviewed

A copy of the roll call and the command log from the 90th Precinct, the precinct of occurrence, were received and reviewed. There were no specific posts around the incident location for protests noted on either document (Board Reviews 04 and 05). Event Summaries were obtained for the 90th Precinct and the 94th Precinct but they did not show any radio runs that potentially correspond to this incident (Board Reviews 06 and 07). Criminal Summonses and corresponding Mass Arrest Processing documents were also obtained but did not reveal any additional information about potential officers in this case (Board Reviews 08 and 09).

Officers Interviewed

Three lieutenants, Lt. Timothy Fox, Lt. John Christopoulos, and Lt. John Balestriere were interviewed in regards to this case. These lieutenants were white male officers assigned to the 90th Precinct at the time of the incident. Lt. Fox had neither recollection of the incident nor memo

book entries documenting it (Board Review 10); Lt. Christopoulos was not on duty at the time (Board Review 11), and Lt. Balestriere did not have any specific notation regarding his location at the time but remembered that he was stationed at a protest elsewhere (Board Review 12). Two Black female sergeants above 6' tall were also interviewed: Sgt. Shamika Pugh and Sgt. Keisha Durrant, and they were assigned, respectively, to the Police Academy (Board Review 13) and the Employee Assistance Unit (Board Review 14) at the time of the incident. The other Black female officer above 6' tall in the NYPD, Sgt. Rashida Edness, was ruled out with the contents of her memo book entries (Board Review 15). Patrol Borough Brooklyn North Chief Jeffrey Maddrey was interviewed. His statement is summarized below.

Ranking Officer on Scene

The ranking officer who responded to the vicinity of this incident was identified as Patrol Borough Brooklyn North Chief Jeffrey Maddrey. Chief Maddrey stated that he received protest-related calls for distress coming from Williamsburg. When he arrived on scene, near Rutledge Street in Williamsburg, where he saw protestors running, he spoke with DI Timothy Skretch regarding the events on scene. He informed DI Skretch to “regroup” the officers into a formation. He then drove to Penn and Wythe Streets in Brooklyn where he saw officers and civilians in a standoff. He told both officers and protestors to disperse, which they did.

Chief Maddrey did not have a roster of who was working in the area at the time. No officer on scene reported any use-of-force incidents to him and he did not witness any officer pushing protestors or using profanity against them. He did not recognize § 87(2)(b) when seeing a photo of her and he did not remember any Black female officers between 6' and 6'4" tall being on scene (Board Review 16).

Concurrent Investigations

On June 21, 2021, Det. Mohammad Abdullah of the Internal Affairs Bureau searched for concurrent cases using § 87(2)(b)'s name, the date, and the location but was unable to find any (Board Review 20).

Conclusion

The investigation could not determine which officers may have been responsible for § 87(2)(b)'s allegations that an officer pushed her, that an officer pushed a bicyclist and that officers were telling civilians to “get the fuck” out of the area, despite the investigative actions listed above, primarily due to a lack of specific incident location. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On May 26, 2021, the New York City Office of the Comptroller confirmed that no notice of claim was filed for this case (Board Review 18).
- As of June 21, 2021, according to the Office of Court Administration, § 87(2)(b) has not been convicted of a crime in New York City (Board Review 19).

Squad No.: 11

Investigator:	<u>Miriam Lynch</u>	<u>SI Miriam Lynch</u>	<u>07/09/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Edwin Pena</u>	<u>IM Edwin Pena</u>	<u>07/09/21</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date